

PAUL L. REIN, ESQ. (SBN: 43053)  
CELIA MCGUINNESS (SBN: 159420)  
LAW OFFICES OF PAUL L. REIN  
200 Lakeside Drive, Suite A  
Oakland, CA 94612  
Telephone: (510) 832-5001  
Facsimile: (510) 832-4787  
[reinlawoffice@aol.com](mailto:reinlawoffice@aol.com)

**\*E-FILED - 7/22/11\***

Attorneys for Plaintiff  
TIMOTHY CLEVELAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY CLEVELAND,

Plaintiff,

vs.

ISABELLA'S AT WHARFSIDE, INC., dba  
ISABELLA'S RESTAURANT; TENE  
SHAKE; CITY OF MONTEREY;  
FISHERMAN'S WHARF COMPANY, LP;  
CHRIS SHAKE, individually and dba  
FISHERMAN'S WHARF COMPANY, LP;  
WHARFSIDE RESTAURANT, INC.;  
ANTHONY J. PALMA, individually and dba  
WHARFSIDE RESTAURANT; NATALIE  
PALMA, individually and dba WHARFSIDE  
RESTAURANT; SALVATORE RAPPA,  
individually and dba WHARFSIDE  
RESTAURANT; JOSEPHINE RAPPA  
individually and dba WHARFSIDE  
RESTAURANT; PALMA/WHARFSIDE,  
LTD. ; and DOES 1-10, inclusive,

Defendants.

**Case No.: C09 02376 RMW (PSG)**

**STIPULATION AND []  
ORDER TO SET ASIDE THE DEFAULT  
AGAINST DEFENDANTS ANTHONY J.  
PALMA, individually and dba  
WHARFSIDE RESTAURANT; NATALIE  
PALMA, individually and dba  
WHARFSIDE RESTAURANT; and  
PALMA/WHARFSIDE, LTD.**

WHEREAS Plaintiff TIMOTHY CLEVELAND filed a Request for Entry of Default  
against DEFENDANTS ANTHONY J. PALMA, individually and dba WHARFSIDE

1 RESTAURANT; NATALIE PALMA, individually and dba WHARFSIDE RESTAURANT; and  
2 PALMA/WHARFSIDE, LTD. on or about January 31, 2011 and this Court entered the default  
3 on February 4, 2011;

4  
5 WHEREAS DEFENDANTS ANTHONY J. PALMA, individually and dba  
6 WHARFSIDE RESTAURANT; NATALIE PALMA, individually and dba WHARFSIDE  
7 RESTAURANT; and PALMA/WHARFSIDE, LTD. agreed to stipulate to the jurisdiction of this  
8 Court in exchange for a withdrawal and set aside of the default filed against them; and

9  
10 WHEREAS Plaintiff TIMOTHY CLEVELAND and DEFENDANTS ANTHONY J.  
11 PALMA, individually and dba WHARFSIDE RESTAURANT; NATALIE PALMA,  
12 individually and dba WHARFSIDE RESTAURANT; and PALMA/WHARFSIDE, LTD. filed a  
13 stipulation and proposed order on or about February 17, 2011, and this Court issued an order on  
14 or about March 2, 2011. that these named defendants are subject to the jurisdiction of the Court  
15 for all purposes in this lawsuit but are not filing an Answer to the First Amended Complaint  
16 because the parties have resolved the issues of injunctive relief and damages, so that the only  
17 remaining issue to be resolved is payment of attorney fees, litigation expenses and costs.  
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1 NOW THEREFORE, Plaintiff TIMOTHY CLEVELAND and DEFENDANTS  
2 ANTHONY J. PALMA, individually and dba WHARFSIDE RESTAURANT; NATALIE  
3 PALMA, individually and dba WHARFSIDE RESTAURANT; and PALMA/WHARFSIDE,  
4 LTD., by and through their respective attorneys, stipulate that the default against these named  
5 defendants be set aside.  
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7  
8 DATED: JULY 13, 2011

LAW OFFICE OF PAUL L. REIN

9  
10 BY: /S/CELIA MCGUINNESS

11 PAUL L. REIN  
12 CELIA MCGUINNESS  
13 CATHERINE M. CABALO  
14 ATTORNEYS FOR PLAINTIFF TIMOTHY  
15 CLEVELAND

16  
17 DATED: JULY 13, 2011

BERLINER COHEN

18  
19 BY: \_\_\_\_\_

20 FRANK R. UBHAUS  
21 MARY KATHARINE WILSON  
22 ATTORNEYS FOR DEFENDANTS ISABELLA'S AT  
23 WHARFSIDE, INC., TENE SHAKE, FISHERMAN'S  
24 WHARF COMPANY, LP, CHRIS SHAKE,  
25 WHARFSIDE RESTAURANT, INC. ANTHONY J.  
26 PALMA, INDIVIDUALLY AND DBA WHARFSIDE  
27 RESTAURANT; NATALIE PALMA, INDIVIDUALLY  
28 AND DBA WHARFSIDE RESTAURANT; AND  
PALMA/WHARFSIDE, LTD.

IT IS SO ORDERED

Dated: July 22, 2011



District Judge Ronald M. Whyte